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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,160	03/25/2004	Evan J. Segal	DMNZ 2 00048	7385
27885	7590	07/12/2006	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			DUNWOODY, AARON M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/809,160	SEGAL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Aaron M. Dunwoody	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17,23-28,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) 9,15-17,26,32 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-14,23-25,27 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8, 10-14, 23-25, 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "thin-walled" in claims 1 and 23 is a relative term which renders the claims indefinite. The term "thin-walled" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-13, 23-25, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4817996, Fouts.

In regards to claims 1 and 23, Fouts discloses a fluid line connector assembly comprising:

a length of flexible metal tubing (5A) having a tubing end with opposing inner and outer end surface;

a first fitting body (40) received on the tubing end in abutting engagement with the outer end surface;

a second fitting body (12) secured to the first fitting body and in abutting engagement with the inner end surface, the first fitting body and the second fitting body compressively engaging the tubing end and forming a fluid-tight connection therewith such that the first and second fitting bodies are substantially rotationally fixed relative to the tubing end;

a third fitting body (14) rotatably supported on the second fitting body in a space relation to the tubing end (at their connection point); and,

a sealing member (30) forming a fluid-tight seal between the second fitting body and the third fitting body.

In regards to claim 2, Fouts discloses the second fitting body includes an inwardly extending groove.

In regards to claim 3, Fouts discloses the third fitting body includes an outwardly extending groove in substantial alignment with the inwardly extending groove of the second fitting body.

In regards to claim 4, Fouts discloses a retaining member (48) at least partially received within a portion of each of the inwardly extending groove and the outwardly extending groove.

In regards to claim 5, Fouts discloses the sealing member is compressively positioned between the second fitting body and the third fitting body.

In regards to claim 6, Fouts discloses the sealing member is an o-ring.

In regards to claim 7, Fouts discloses the tubing end includes an outwardly extending flared portion, and the flared portion is positioned between the first fitting body and the second fitting body.

In regards to claim 8, Fouts discloses the first fitting body has an inside wall that includes a plurality of threads, and the second fitting body has an outside wall that includes a plurality of corresponding threads, the second fitting body is secured to the first fitting body by interengaging the threads.

In regards to claim 10, Fouts discloses at least one of the first fitting body and the second fitting body includes a flare-engaging surface in abutting engagement with the flared portion of the tubing end.

In regards to claim 11, Fouts discloses each of the first fitting body and the second fitting body including a flare-engaging surface, and the flared portion of the tubing end is compressively positioned between the flare engaging surfaces.

In regards to claim 12, Fouts discloses a sheath (55) extending along at least a portion the exterior of the length of tubing.

In regards to claim 13, Fouts discloses a polymeric coating extending along at least a portion of the sheath.

In regards to claim 24, Fouts discloses one of the first and second fitting bodies includes a substantially frustoconical inside wall, and the other of the first and second fitting bodies includes a substantially frustoconical outside wall, and the substantially frustoconical inside and outside walls are in abutting engagement with the tubing end.

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In regards to claim 25, Fouts discloses the second fitting body includes an inwardly extending groove.

In regards to claim 27, Fouts discloses the third fitting body includes an outwardly extending groove in substantial alignment with the inwardly extending groove on the second fitting body.

In regards to claim 28, Fouts discloses a retaining member at least partially received within a portion of each of the grooves.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fouts in view of US patent 2357669, Lake.

In regards to claim 14, Fouts discloses the claimed invention except for the length of flexible tubing including a plurality of corrugations. Lake teaches length of flexible tubing (7) including a plurality of corrugations to provide a hose that is flexible and capable of withstanding pressures higher than rubber hoses. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide length of flexible tubing with a plurality of corrugations to provide a hose that is flexible and capable of withstanding pressures higher than rubber hoses.

### ***Response to Arguments***

Applicant's arguments filed 2/18/2006 have been fully considered but they are not persuasive.

Applicant argues that Fouts does not teach or suggest an arrangement in which the fluid-tight seal is formed using only two of the fitting components, as recited in the claims presented herein. The Examiner disagrees. The claim as amended 2/18/2006 does not recite the fluid-tight seal is formed using only two of the fitting components. Therefore, Fouts meets the claim limitation.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the fitting body is operatively disassociated with the tubing) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Aaron M Dunwoody  
Primary Examiner  
Art Unit 3679

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